srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7068 OF 2007.

Sarfaraj Abbas Ali Kamliwale
and others. ...Petitioners.

V E R S U S

The Municipal Corporation of the City
Of Solapur and others. ..Respondents.

Mr. R. S. Datar for the petitioner.

Mr. R. D. Rane, G.P. for the State.

CORAM: S. B. MHASE &
D.G.KARNIK,JJ.

DATE: SEPTEMBER 26, 2007.

P.C.

1. Heard Mr. R. S. Datar for the petitioner. By this petition the petitioner prays for a direction to the respondents to decide the representation made by them on 24th April 2007 regarding the alleged unauthorised construction allegedly made by the respondent no.4.

2. Previously also the petitioners had made representation to respondent no.1 - Municipal Corporation to take action for alleged unauthorised construction. That application was made on 2nd March 2002. As it was not decided the petitioner approached to this Court for issuance of a writ of

mandamus. By order dated 10th September 2003 this Court directed respondent no.3 to decide the petitioner's application within three months. Accordingly the application was decided. Now a fresh application has been made again complaining about the alleged unauthorised construction. If the application has once been decided and validity of the alleged unauthorised construction has been decided either way the remedy of the petitioner is to challenge the decision before the appropriate forum. No second writ petition can be filed for deciding the successive applications or the same issue. In the circumstances there is no merit in the petition. The writ petition is rejected summarily.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**